

F/CX
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wherein the coating contains at least one compound selected from the group consisting of fluorormocers, fluorine-containing silanes, polymeric fluorocarbon resins, and partially fluorinated polymers, and wherein the element is one of a sensor element and an actuator element.

12. (Amended) The element according to claim 1, wherein the sensor element is integrated in a hot-film air-mass meter.

13. (Twice Amended) The element according to claim 1, wherein the sensor element is integrated in one of a humidity sensor, a climatic sensor, an air quality sensor, a temperature sensor or an airbag sensor.

REMARKS

INTRODUCTION

Claims 1, 4-6 and 8-17 are pending in the application. Claims 2 and 3 have been canceled without prejudice. Reconsideration and allowance of pending claims 1, 4-6 and 8-17 of the present application are respectfully requested.

The 35 U.S.C. §102 rejection should be withdrawn

The Examiner has rejected claims 1, 4-6, 8, 10, 11, and 17 under 35 U.S.C. § 102(b) as being anticipated by the Ellison et al. reference. Furthermore, the Examiner has rejected claims 1, 4-6, 8, 10, 11, and 14-17 under 35 U.S.C. § 102(b) as being anticipated by the Sugimoto et al. reference. It is respectfully submitted that neither Ellison nor Sugimoto anticipates the subject matter of claims 1, 4-6, 8, 10, 11, and 14-17 for at least the following reasons.

In order for a reference to anticipate a claim, "every element of the claimed invention must be identically shown in a single reference." In re Bond, 910 F.2d 831, 832, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990)(emphasis added). Respectfully, it is submitted that neither Ellison nor Sugimoto describes every element recited in amended claim 1.

Amended claim 1 relates to an element for use in a motor vehicle,

having an anti-adhesive surface coating acting as a protective layer, wherein the coating contains at least one compound selected from the group consisting of fluorormocers, fluorine-containing silanes, polymeric fluorocarbon resins, and partially fluorinated polymers, and wherein the element is one of a **sensor element** and an **actuator** element.

In support of the rejection, the Examiner relies on the Ellison et al. reference which states in column 3, lines 28-32, that “[t]he decorative film, as shown in FIG. 2, comprises a substantially molecularly unoriented weatherable cast film 13 which has pigments uniformly distributed therein, and a bonding layer 14 formed of a different polymer adhered to the inner side of the cast film.” Column 7, lines 37-38, of Ellison indicate that the “weatherable cast film” is “formed from an alloy of an acrylic polymer and polyvinylidene fluoride.” It should be noted, however, that Ellison is directed to the formation of molded polymer articles with decorative finishes to be used as automobile body parts. (Ellison, Col. 2, ln. 5-15.) Ellison’s disclosure of an acrylic polymer and polyvinylidene fluoride alloy does not concern **sensor** or **actuator** elements as required in claim 1 of the present invention. Indeed, Ellison is silent as to the issue of protecting sensor and actuator elements within automobiles.

The Sugimoto et al. reference, as shown at column 1, lines 9-13, concerns an automotive fuel hose and fuel pump diaphragm comprising a laminate of a fluororubber inner layer bonded to an outer layer. As with Ellison, Sugimoto is silent as to the protection of actuator and sensor elements in automobiles. As such, Sugimoto’s reference to fluororubber in relation to a fuel hose and fuel pump diaphragm clearly does not meet the requirements of claim 1 of the present invention.

Therefore, as the Examiner shall ascertain, neither Ellison nor Sugimoto teaches or suggests an element with a coating containing at least one compound selected from the group consisting of fluorormocers, fluorine-containing silanes, polymeric fluorocarbon resins, and partially fluorinated polymers, wherein the element is one of a sensor element and an actuator element, as recited in amended claim 1. Thus, Applicants respectfully submit that claim 1 is in allowable condition.

Furthermore, since claims 2 and 3 have been canceled without prejudice, the rejection of claims 2 and 3 is moot. As for claims 4-6, 8 and 10-17, which depend from allowable claim 1, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 1. Thus, the rejection under 35 U.S.C. § 102(b) of claims 1, 4-8, 10, 11 and 17 as being anticipated by the Ellison et al. reference, and the rejection of claims 1, 4-8, 10, 11 and 14-17 as being anticipated by the Sugimoto et al. reference, should be withdrawn.

The 35 U.S.C. §103 rejection should be withdrawn

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over the Ellison et al. reference. While Applicants disagree with the merits of the Examiner's contention that the specific element as claimed in claim 9 would have been obvious, it is noted that since claim 9 depends from allowable claim 1, claim 9 is also allowable for at least the same reasons given in support of the patentability of claim 1.

Furthermore, the Examiner has rejected claims 1-6, 8, 10-13, and 17 under 35 U.S.C. § 103(a) as being unpatentable over the Gneiss et al. reference in view of the May reference. It is respectfully submitted that claims 1-6, 8, 10-13, and 17 are not obvious over the combination of Gneiss and May for at least the following reasons.

In order to reject a claim for obviousness under 35 U.S.C. § 103, not only must the prior art teach or suggest each element of the claim, the prior art must also suggest combining the elements in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990).

Applicants respectfully submit that the references relied on by the Examiner in this rejection, either individually or in combination, do not teach or suggest the subject matter of claim 1. Amended claim 1 relates to an element for use in a motor vehicle, having an anti-adhesive surface coating acting as a protective layer, wherein the coating contains at least one compound selected from the group consisting of fluorormocers,

fluorine-containing silanes, polymeric fluorocarbon resins, and partially fluorinated polymers, and wherein the element is one of a sensor element and an actuator element. Gneiss is directed to an improved air flow meter which addresses the issue of soiling by attaching a “leading edge of a body” onto the “end face” of the substrate 18 which holds the measuring element in the path of air flow. (Gneiss, Col. 3, ln. 31-36.) This “leading edge” is intended to produce an effect which is “approximately equivalent to long-term soiling over a period of use, so that this effect is already taken into account in the initial calibration of the air flow meter.” (Gneiss, Col. 1 ln. 24-31.) Therefore, Gneiss does not seek to prevent soiling, but rather to account and compensate for its occurrence. Furthermore, Gneiss teaches that “[s]ubstances that are intrinsically suitable for avoiding deposits are recommended as materials from which the leading body can be made,” *not* the **measuring element** itself, as taught in the present invention. (Col. 3, ln. 42-45) (Emphasis added.) Thus, Gneiss’ solution is akin to placing a protective “shield” in front of the measuring element as opposed to the use of a protective coating in the present invention.

May is directed to the preparation of fluoroalkyl- substituted polymeric compositions which do not fall within the set of compounds listed in claim 1. Also, May is silent with respect to sensor or actuator elements used in automobiles.

Thus, neither Gneiss nor May describes or suggests an element with “an anti-adhesive surface coating acting as a protective layer, wherein the coating contains at least one compound selected from the group consisting of fluorormocers, fluorine-containing silanes, polymeric fluorocarbon resins, and partially fluorinated polymers, and wherein the element is one of a sensor element and an actuator element,” as recited in claim 1. Accordingly, even if there were some motivation to combine the asserted references, which there is not, the combination would fail to approximate the claimed invention. Furthermore, the Examiner’s contention that the asserted modification would have been obvious is an impermissible hindsight conclusion based on Applicants’ own teaching. Since there is no reasonable expectation of success in modifying the teachings of Gneiss or May in the manner suggested by the

Examiner to approximate the claimed invention, claim 1 is patentable over Gneiss in view of May for at least these reasons.

Furthermore, since claims 2 and 3 have been canceled without prejudice, the rejection of claims 2 and 3 is moot. As for claims 4-6, 8, 10-13, and 17, which depend from allowable claim 1, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 1. Therefore, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

Conclusion

In view of the foregoing, all rejections and objections have been obviated. Allowance of claims 1, 4-6 and 8-17 is respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please cancel claims 2 and 3 without prejudice.

Please amend claims 1, 12 and 13 as follows:

1. (Twice Amended) An element for use in a motor vehicle, comprising:
an anti-adhesive surface coating acting as a protective layer,
wherein the coating contains at least one compound selected from
the group consisting of fluorormocers, fluorine-containing silanes, polymeric
fluorocarbon resins, and partially fluorinated polymers, and wherein the
element is one of a sensor element and an actuator element.
12. (Amended) The element according to claim [2] 1, wherein the sensor
element is integrated in a hot-film air-mass meter.
13. (Twice Amended) The element according to claim [2] 1, wherein the sensor
element is integrated in one of a humidity sensor, a climatic sensor, an air
quality sensor, a temperature sensor or an airbag sensor.